

REMARKS

This amendment is in response to the office action mailed on March 31st 2005

Claims 1-4 were not rejected and remain in this application in their original form.

Claims 5-9 have been amended and remain in this application.

Claims 5-8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite as the phrase “used in conjunction with a secondary nail pulling detail” created confusion as to whether “secondary nail pulling detail” was intended to be a positive limitation of the claim or not.

Independent claim 5 has been changed to include the phrase “secondary prying surface” in explaining the “fulcrum” and replacing the word “secondary” with “second” in reference to the additional nail pulling detail. Support language for these changes can be found on lines 9 and 10 of page 12 of the detailed description. The applicant respectfully requests that the examiner consider this clarification that the “second nail pulling detail” is intended to be a positive limitation of the claim and withdrawal of the rejections for claim 5 is requested.

Dependent claim 6 has been changed by omitting the word “approximately” therefore making the claim intention less confusing and more definite. The withdrawal of the rejection of dependant claim 6 is respectfully requested.

Dependent claim 7 has been changed wherein the removal of the word “secondary” and the addition of the word “second” brings the claim into conformity with dependant claim 6 and wording used in independent claim 5. Withdrawal of the rejection of claim 7 is respectfully requested.

Dependant claim 8 has been changed wherein the word “approximately” has been removed in an effort to word the claim in a more definite format. Also, the phrase “L” shaped flat bar” have been replaced with “staple removal tool” for the purpose of conforming to the opening reference to a “staple and nail removal tool”. Withdrawal of the rejection to dependant claim 8 is respectfully requested.

Independent claim 9 was rejected as being indefinite wherein there was no proper antecedent basis for the phrase “said plurality of staple pulling fingers”

Claim 9 has been changed wherein the phrase “said plurality of staple pulling fingers” has been struck and the words “nail and staple pulling detail” have been added wherein proper antecedent basis would be established. Having made these correction, withdrawal of the rejection to claim 9 of this application is respectfully requested.

In view of the above corrections, it is submitted that claims 5-9 in the aforementioned application be allowable and the applicant respectfully requests notice to such effect.

Respectfully Submitted

Steve Wayne Holcomb